

## Plain English: A Charter for Clear Writing<sup>®</sup> (Part Three)

By Joseph Kimble

*This article was originally published in April 1992, in the Thomas M. Cooley Law Review. We have shortened it here. Some of the omissions are indicated; most are not.*

*The article grew out of a resolution that I submitted two years ago to the Legal Writing Institute, whose membership includes writing teachers at almost all law schools in the United States. The resolution has now been adopted by the 1992 Conference of the Institute, and the vote was virtually unanimous. The resolution as adopted appears toward the end of Part One of this excerpt, and toward the beginning of Part Two and Part Three.*

*The resolution is good news for plain writing, for if it is ever going to happen, we must poison the well of legalese at the source—which is law school.*

—JK

### Myths and Realities

This is a big subject and one that cannot be covered in a short section. There's a great deal of misinformation about Plain English and several persistent myths.

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"Plain Language" is a regular feature of the **Michigan Bar Journal**, edited by Joseph Kimble for the State Bar Plain English Committee. Assistant editor is George H. Hathaway. Through this column the Committee hopes to promote the use of plain English in the law. Want to contribute a plain English article? Contact Prof. Kimble at Thomas Cooley Law School, P.O. Box 13038, Lansing, MI 48901.

*Myth:* Plain English advocates want first-grade prose, or want to reduce writing to the lowest common denominator.

Not true. We advocate writing that is as simple and direct as the circumstances allow. Not simplistic or simple-minded. Not Dick-and-Jane. Not street talk or slang. But the style you would use if your readers were sitting across the table, and you wanted to make sure they understood.

In the past six or seven years, the Plain English Committee in Michigan has translated hundreds of passages into Plain English and has helped to revise dozens of forms. As far as I know, the Committee has not heard even once that its Plain English versions changed the meaning, or were simple-minded, or were inferior to the originals. After all the translations offered by all the commentators, you rarely hear any such complaint.<sup>78</sup> Then you wonder how many translations and testimonials it will take for critics to realize that it can be successfully done.

*Myth:* Plain English does not allow for literary effect or recognize the ceremonial value of legal language.

Again, not true. Plain English has nothing against an attractive writing style; or against a rhetorical flourish or strategy in the right context, such as a persuasive brief; or against "the truth, the whole truth, and nothing but the truth" to convey a sense of gravity in the courtroom. These things are a matter of context, judgment, effectiveness, and degree.

But those who would argue literary value need to keep three points in mind. First, although the law has had its share of fine stylists, it has been

overwhelmed by legalese. Remember John Lindsey's comment about "law books, the largest body of poorly written literature ever created by the human race."<sup>79</sup> Also remember this warning: "[H]ow do people write who are not professionals or accomplished amateurs? The answer is: badly, at all times."<sup>80</sup> For most workaday writers, just writing plainly is a worthy and difficult goal.

### Resolution

At the 1992 Conference of the Legal Writing Institute, which has 900 members worldwide, the participants adopt the following resolution:

1. The way lawyers write has been a source of complaint about lawyers for more than four centuries.

2. The language used by lawyers should agree with the common speech, unless there are reasons for a difference.

3. Legalese is unnecessary and no more precise than plain language.

4. Plain language is an important part of good legal writing.

5. Plain language means language that is clear and readily understandable to the intended readers.

6. To encourage the use of plain language, the Legal Writing Institute should try to identify members who would be willing to work with their bar associations to establish plain language committees like those in Michigan and Texas.

That's the next point. Plain English has a literary heritage of its own, the Attic style, as Bryan Garner has explained.<sup>81</sup> It is the style of Mark Twain, and Justice Holmes, and George Orwell, and Winston Churchill, and E. B. White, and even Truman Capote, who said, "I think most writers, even the best, overwrite. I prefer to underwrite. Simple, clear as a country creek."<sup>82</sup> Plain English is the style of H. W. Fowler, whose *Dictionary of Modern English Usage*<sup>83</sup> is one of the great books of this century. It was Fowler and his brother, in another book, who set out these congenial suggestions:

*Prefer the familiar word to the far-fetched.*

*Prefer the concrete word to the abstract.*

*Prefer the single word to the circumlocution.*

*Prefer the short word to the long.*

*Prefer the Saxon word to the Romance.*<sup>84</sup>

Plain words are eternally fresh, and they never need apology. In every context, simplicity has a beauty of its own.

Finally, there is little room for literary effect in one form of legal writing—the neutral style of statutes, contracts, wills, consumer forms, and the like. Our late patriarch of legal drafting, Reed Dickerson, describes it as "nonemotive" and "pure exposition."<sup>85</sup> Yet legal drafting is where the legalese is thickest. Goodbye metaphor, hello *hereinbefore*.

*Myth:* Plain English is impossible because legal writing includes so many terms of art.

Legal writing and analysis may indeed involve terms of art, such as *plaintiff* and *hearsay*. Legitimate terms of art convey in a word or two a settled, circumscribed meaning.

But how many terms of art are there? Bryan Garner estimates fewer than fifty.<sup>86</sup> One study of a real-estate sales contract found that only three percent of the words had significant legal meaning based on precedent.<sup>87</sup> In

short, terms of art are but a tiny part of any legal paper. The rest of the paper can be written in Plain English.

The task for legal writers is to separate real terms of art from all the rubble. The one indispensable guide is Garner's *Dictionary of Modern Legal Usage* (1987).

*Myth:* Plain English is impossible because the law deals with complicated ideas that require great precision.

First, much of what Plain English opposes has nothing to do with precision. The word *hereby* does not add an iota of precision. *Said plaintiff* is no more precise than *the plaintiff*. *In the event of default on the part of the buyer* is no more precise than *if the buyer defaults*.

Second, David Mellinkoff's books have disposed of the idea that traditional legal writing is precise.<sup>88</sup> If anything, the opposite is true, and Plain English does more for precision than legalese. Robert Eagleson explains:

*I have now worked on a series of legal documents with various teams of lawyers and legislative drafters as we have sought to convert them into plain English. There has not been one in which we have not uncovered some error, or inconsistency or ambiguity. . . . For all the claims made for it, traditional legal language is not a security against imprecision. On the contrary, the sheer syntactic complexity of long rambling sentences provides a ready cover for imprecision. . . . Legal minds become deadened by the turgidity of language so that they miss the drafter's unintended slip.*

*Plain language of itself is no guarantee of a sound underlying legal solution. It must be coupled with clear thinking. But at least plainness of language makes it more difficult for errors in judgment to go undetected. . . .*<sup>89</sup>

Third, it follows that Plain English principles can usually make even complicated ideas more clear. Or if not more clear, at least as clear as can be. A difficult subject does not have to be compounded by a difficult style. No

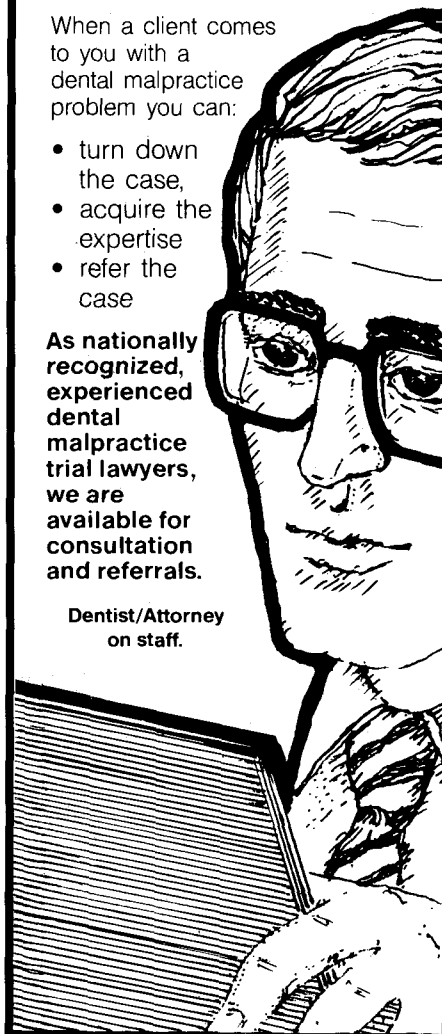
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subject is too complex to benefit from Plain English.<sup>90</sup>

Anyway, for a better look at the myths, you should see a devastating article by Robert Benson<sup>91</sup> and the report on Plain English by the Law Reform Commission of Victoria, Australia.<sup>92</sup> Whatever the excesses of some proponents, I believe they have the better side of the argument. The arguments on the other side are, if not bad, then not good enough. Unfortunately, though, "most lawyers . . . simply have not yet learned of the hard evidence that has undermined the traditional rationales."<sup>93</sup>

No, legalese and traditional style persist for the same reasons as always—habit, inertia, fear of change, the overwhelming influence of poor models, the rote use of forms, and notions of self-interest (prestige and control). Not to mention lack of skill. George Gopen is certainly right when he reminds us: "[N]ow that the law says we must write in Plain English, we have to educate our new lawyers so they will be able to do so."<sup>94</sup>

Perhaps the greatest myth of all, then, and one that even a few proponents may accept, is that Plain English can be produced on demand. Some parts of it are relatively easy, like avoiding legal jargon. Without any strain, we ought to be able to let go of *hereby* and *said [whatever]* and *further affiant sayeth not*. But the greater part of clear writing only *looks* easy. It takes training and work and fair time to compose—all part of the lawyer's craft.

Is it worth the effort? It is if you care about whether your reader will understand and how the reader will respond.

*Reality:* Legalese fails all the tests, and readers prefer Plain English.

Professor Benson has carefully reviewed the literature and performed his own tests to show that lawyers' language is not understood. He describes four kinds of evidence. First is the educated guess among "scores of thoughtful experts" that legalese fails to communicate.<sup>95</sup> Second, legalese fails the

field tests: thousands of litigated cases; tests by the Internal Revenue Service; and a host of anecdotal, but nonetheless real, stories.<sup>96</sup> Third, legalese fails the comprehension tests: multiple-choice tests; oral questioning; so-called cloze tests on jury instructions, on a consent-to-surgery form, and on parts of a statute; tests of consumer contracts; and more tests of jury instructions.<sup>97</sup> Fourth, legalese fails the readability formulas: the Flesch test; the Dale-Chall test; and Edward Fry's influential Graph for Estimating Readability—all of which are useful in detecting sick language.<sup>98</sup>

You can add two more to the field tests. The Plain Language Institute, in Vancouver, British Columbia, commissioned a survey of 600 residents about legal language. Predictably, 64% said they are frustrated when they read legal documents; 57% said that legal documents are poorly written and hard to read; and 33% said that lawyers do not even try to communicate with the average person.<sup>99</sup> That last figure—the effort to communicate—was the poorest rating received by any profession in the survey.<sup>100</sup>

A year earlier, the Document Design Center surveyed the readers of *Modern Maturity* magazine about business and government forms, and received almost 4000 responses. Once again, 48% of the respondents said the forms are too complicated; 47% said the instructions were unclear; 23% said the words were too difficult; 58% stopped using the service or organization, or gave up trying to fill out the form; 41% needed help in filling out the form; and most people were frustrated and angry.<sup>101</sup> All in all:

*The federal government, insurance companies, private hospitals, individual doctors, and a wide variety of corporations, organizations and agencies have created a mountain of unclear forms, notices and letters that plague people at every income level. They aggravate and upset us; they cost us untold dollars in lost benefits, entitlements and services.*<sup>102</sup>

So legalese and officialese do not communicate. As you would expect, then, another body of evidence shows that readers prefer Plain English and find it more persuasive.

A survey conducted for the State Bar of California found that 90% of the public and 91% of the lawyers responding said there is a need for simpler legal documents.<sup>103</sup>

In another California study, ten appellate judges and their research attorneys, reading passages from appellate briefs, rated the passages written in legalese as "substantively weaker and less persuasive than the plain English versions."<sup>104</sup> And contrary to what lawyers might think, the readers "inferred that the attorneys who wrote in legalese possessed less professional prestige than those who wrote in plain English."<sup>105</sup>

In one more study, a student and I prepared a survey of judges and lawyers that has now been done in Michigan,<sup>106</sup> Florida,<sup>107</sup> Louisiana,<sup>108</sup> and Texas.<sup>109</sup> The survey form invited readers to choose between the A or B version of six different paragraphs. One choice was written in Plain English. The other choice had some of the common characteristics of legalese, including obsolete formalisms, archaic words, wordy phrases, doublets, abstract nouns created from strong verbs, passive voice, long sentences, and intrusive phrases.<sup>110</sup> Neither the survey form nor the cover letter referred to "Plain English" or "legalese." Readers were simply asked to check off their preference for the A or B version of each paragraph.

In every state, at least 50% of the readers responded.<sup>111</sup> A total of 1462 judges and lawyers returned the survey.<sup>112</sup> And in all four states, they preferred the Plain English versions by margins running from 80 to 86%.<sup>113</sup> A landslide.

When the discussion of legal writing turns to concrete examples, we naturally prefer Plain English. As readers we prefer it. That is the message—and the moral imperative—for writers.

If we expect the other person's writing to be simple and direct, we had better demand it of our own.

Writing is a public act that presumes someone else's time. We have no right to waste it with dense, inflated, obscure prose. Robert Eagleson has written eloquently about "being fair to readers."<sup>114</sup> This is a fundamental principle of Plain English.

The moral argument works at another, more subtle level as well:

*Human beings, we need to remind ourselves here, are social beings. . . . We become uneasy if, for extended periods of time, we neither hear nor see other people. We feel uneasy with the Official Style for the same reason. It has no human voice, no face, no personality behind it. It creates no society, encourages no social conversation. We feel that it is unreal.*<sup>115</sup>

**Reality:** Plain English saves time and money, and is good for business.

The U.S. Department of Commerce has documented in twelve case studies how, when a company simplifies its language, "it builds business . . . streamlines procedures, eliminates unnecessary forms, and reduces customer complaints."<sup>116</sup> Here are some other reported examples:

- *The Federal Communications Commission rewrote its regulations for citizen-band radios and was able to reassign five employees who had done nothing but answer questions.*<sup>117</sup>
- *By revising its forms, Citibank reduced the time spent training staff by 50% and improved the accuracy of the information that staff gave to customers.*<sup>118</sup>
- *Southern California Gas Company simplified its billing statement and is saving an estimated \$252,000 a year from reduced customer inquiries.*<sup>119</sup>
- *After Ford Motor Company produced a Plain English version of the owner's guide for its Ford Taurus, 85% of the people tested said they preferred the Plain English version.*<sup>120</sup>
- *In England, the Department of Health and Social Security saved*

*\$2,069,000 in staff time in the year that it redesigned the application forms for legal aid.*<sup>121</sup>

- *Also in England, the Department of Customs and Excise cut a 55% error rate to 3% by revising some lost-baggage forms used by airline passengers.*<sup>122</sup>
- *Since the British Government began its review of forms in 1982, it has scrapped 27,000 forms, redesigned 41,000 forms, and saved over \$28,000,000.*<sup>123</sup>
- *In Australia, by rewriting one legal document alone, the Victorian Government saved the equivalent of \$400,000 a year in staff salaries.*<sup>124</sup>
- *In a study for the Law Reform Commission of Victoria, lawyers and law students read parts of statutes written in traditional style and in Plain English, and the mean time that they took to comprehend the Plain English versions was between a third and a half of the mean time for comprehending the traditional versions.*<sup>125</sup>
- *Also in Australia, after an information booklet about housing loans was rewritten, a survey showed that the Plain English version significantly increased the level of understanding; reduced by half the number of inquiries and the time needed to deal with inquiries; and reduced reading time, printing costs, and storage space.*<sup>126</sup>

Think how much of the work of business and government and law is done through forms and form letters. Multiply hundreds of thousands of forms by millions of people, and you get an idea of the confusion and frustration produced by bad design and bad writing.

Nobody expects lawyers to redraft all their forms overnight. Forms and statutes can be rewritten into Plain English gradually, one at a time, project by project. The important thing is to get started.

Tomorrow, lawyers can stop writing *Now comes the plaintiff*. They can stop trying to cite every case and trying to cover every remote contingency under the sun. Appellate judges can stop writing law review articles for opinions. Large firms can hire in-house editors. Committees that draft rules can use writing experts. Most of all, the profession can have a change of attitude and can stop imagining that the old style has merit.

**Reality:** Legalese has created disrespect for lawyers and for law.

Everybody says so. Just look at the catalog of protests and ridicule.<sup>127</sup> And consider the testimonials about

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image. Bryan Garner: "There's probably no single reform that would improve the image of lawyers more than to get them to speak plainly and directly and understandably."<sup>128</sup> Robert Eagleson: "If lawyers would improve their image, increase their proficiency, and sharpen their competitive edge, they must get rid of gobbledegook from legal language."<sup>129</sup>

Judge Robert Miner, U.S. Court of Appeals for the Second Circuit, even concludes that the inability to communicate "diminishes the service of the bar, impedes the resolution of disputes, retards legal progress and growth, and, ultimately, undermines the rule of law."<sup>130</sup>

For not doing a better job of training lawyers to write, the legal profession has paid a terrible price.

## Why Us?

Why should the Legal Writing Institute adopt this resolution? Because we teach writing. And writing—that is to say, thinking on paper or computer screen—is the most important skill of all. As law schools and the legal profession have finally come to realize, the practice of law is largely writing:

*The law is very much a writing profession. . . . It's ironic to me, and was ironic to me during twenty years of law teaching, that we spend almost all our time in law school enhancing the oral skills of our students and so little time enhancing the written skills. And yet if you walk up and down the halls of any law firm in the country, you will discover that lawyers are all day, every day writing.<sup>131</sup>*

The American Bar Association has said the same thing repeatedly. It said

so in a report that recommended three years of writing in law school:

*Given the central importance of effective writing to a wide range of lawyer work, the Task Force believes that too few students receive rigorous training and experience in legal writing during their three years of law study. . . . [M]any students, probably most students, receive very little opportunity to write with close supervision and critique as a continuing part of their law school experience.<sup>132</sup>*

The ABA said it again in a later report on legal education:

*Legal writing is at the heart of law practice, so it is especially vital that legal writing skills be developed and nurtured through carefully supervised instruction.<sup>133</sup>*

Very recently, an ABA Task Force described as "fundamental lawyering skills" three skills that are taught primarily in legal writing courses—legal analysis and reasoning, legal research, and effective communication.<sup>134</sup>

I know that my writing guidelines, set out last month, figure in only part of what we are expected to teach in our writing programs. They want us to teach, in about four credit hours, all this: the whole of legal research; legal reasoning; how to analyze, synthesize, and apply law; the form of a legal memorandum; the form of a persuasive brief; in many law schools, legal drafting (which should be required everywhere); other kinds of advanced writing, such as litigation documents; in all these kinds of writing, how to structure the document, write effective paragraphs and sentences, and choose words; and everything right down to grammar and citation form. Still, for the part of writing that has to do with clarity and simplicity, the teachers should be able to agree on a charter.

[Omitted here are references to about 30 books on legal writing, all of which recommend Plain English.]

A resolution by the Legal Writing Institute would have practical and symbolic value. Practical value, because even a small group of persons, working

in their state, can make a difference.<sup>135</sup> And if the Institute ever did publish a set of guidelines, they too would help to improve legal writing. Again, guidelines are no guarantee of good writing, but they can point the way and mark some of the worst pitfalls.

The symbolic value is equally important. After four centuries, we have to somehow break the cycle, get lawyers' attention, *do something*. Plain English has had some success in breaking through the barriers.<sup>136</sup> It deserves whatever support and credibility and guidance that writing teachers can provide.

For if lawyers cannot do at least this much, cannot take even the easier steps toward Plain English, cannot get over the emotional attachment to legalese, then we will never get out of the muck. The campaign has to start in law school, and be carried unstintingly to practicing lawyers. Too often, I have heard from former students that their new employer "doesn't want it that way." Time should change that, as this generation becomes the employers, or at least can make its own decisions.

As I tell my students: "The revolution starts with you." ■

## Footnotes

78. For two complaints, one valid and one arguable, see Reed Dickerson, *Materials on Legal Drafting* 285-88 (1981) (objecting to a translation by Rudolf Flesch of Dickerson's revision of a federal statute); Kenneth M. Mogill, *Revised Reasonable Doubt Instructions: Reductio ad Nihil, or The Case Against "Simplification,"* *Crim. Def. Newsl.* (Mich. State Appellate Defender Office, Detroit, Mich.), Feb.-Mar. 1991, at 1 (objecting to a Plain English version of a jury instruction on reasonable doubt).
79. John M. Lindsey, *The Legal Writing Malady: Causes and Cures*, N.Y. L.J., Dec. 12, 1990, at 2.
80. Jacques Barzun, *English As She's Not Taught*, in *On Writing, Editing, and Publishing* 18, 19 (2d ed. 1986).
81. Bryan A. Garner, *The Elements of Legal Style* 7-15 (1991).
82. Truman Capote, *Music for Chameleons* xvii (1980).
83. H.W. Fowler, *A Dictionary of Modern English Usage* (Sir Ernest Gowers 2d ed. 1965).



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84. H.W. Fowler & F.G. Fowler, *The King's English* 11 (3d ed. 1931).
85. Reed Dickerson, *The Fundamentals of Legal Drafting* 4 (2d ed. 1986).
86. Garner, *supra* note 81, at 184; cf. Robert W. Benson, *Plain English Comes to Court*, *Litigation*, Fall 1986, at 21, 24 ("Surely, the list does not exceed 100 terms.").
87. Benson Barr et al., *Legalese and the Myth of Case Precedent*, 64 Mich. B.J. 1136 (1985).
88. David Mellinkoff, *The Language of the Law* 290-398 (1963); *Legal Writing: Sense and Nonsense* 2-12 (1982).
89. Robert D. Eagleson, *Plain English—A Boon For Lawyers*, *The Second Draft* (Legal Writing Institute), Oct. 1991, at 12, 12-13.
90. See Rudolf Flesch, *How to Write Plain English* 3 (1979) ("Rule Number One—stick to Plain English through thick and thin."); Robert P. Charrow & Veda R. Charrow, *Making Legal Language Understandable: A Psycholinguistic Study of Jury Instructions*, 79 Colum. L. Rev. 1306, 1335 (1979) ("[E]ven jury instructions containing very complex concepts can be made more understandable when their language is simplified."). For further evidence that Plain English improves comprehension, see, e.g., Amiram Elwork et al., *Making Jury Instructions Understandable* §§ 1-3, 3-1 to -2 (1982); David S. Kaufer et al., *Revising Medical Consent Forms: An Empirical Model and Test*, 11 Law, Medicine & Health Care 155, 162 (1983); Walter W. Steele, Jr. & Elizabeth G. Thornburg, *Jury Instructions: A Persistent Failure to Communicate*, 74 *Judicature* 249, 250-51 (1991); Document Design Center, *Study of Schedule C, Form 1040* (undated) (on file with author) (summarizing a study showing that 69% of those tested preferred the new form and completed it faster with a high degree of accuracy). Cf. Joyce Hannah Swaney et al., *Editing for Comprehension: Improving the Process Through Reading Protocols*, in *Plain Language: Principles and Practice* 173 (Erwin R. Steinberg ed., 1991). In a test of four documents, readers made fewer errors on three of the revised versions, and read two of them faster. After further study and improvements (including the use of examples), readers made fewer errors on the fourth as well. *But see* Robyn Penman, *Communication Research Institute of Australia*, Occasional Paper No. 14, *Comprehensible Insurance Documents: Plain English Isn't Good Enough* (1990). In a test of insurance policies, readers had as much difficulty with the concepts in the Plain English versions as in the original version.
91. Robert W. Benson, *The End of Legalese: The Game is Over*, 13 N.Y.U. Rev. L. & Soc. Change 519, 558-73 (1984-1985).
92. Plain English and the Law 45-62 (1987; repr. 1990) (including the myths that there is not enough time to draft in Plain English, and that Plain English requires every single law to be intelligible to the average citizen).
93. Benson, *supra* note 91, at 569.
94. George D. Gopen, *The State of Legal Writing: Res Ipsa Loquitur*, 86 Mich. L. Rev. 333, 354 (1987); see also Benson, *supra* note 91, at 570 (noting that "many lawyers have fooled themselves into believing" they are good with words, and that having to learn the techniques of clear communication is a "painful prospect [] for incompetent writers").
95. Benson, *supra* note 91, at 532.
96. *Id.* at 532-36.
97. *Id.* at 536-47.
98. *Id.* at 547-58.
99. Report by the Angus Reid Group, Inc., for the Plain Language Institute, B.C. Readers' Survey: An Assessment of the Comprehensibility of Selected Legal Documents 6, 12 (1991) (A summary of the report, including technical data, is available from the Plain Language Institute.).
100. *Id.* at 6.
101. Carolyn Boccella Bagin & Andrew M. Rose, *Worst Forms Unearthed*, *Modern Maturity*, Feb.-Mar. 1991, at 64, 65; Carolyn Boccella Bagin & Andrew M. Rose, *Frustrated and Confused: What People Told Us About Bad Forms* 9 (unpublished news release, on file with author).
102. Bagin & Rose, *Worst Forms Unearthed*, *supra* note 101, at 64.
103. *State Bar Report*, Cal. Law., Oct. 1989, at 87.
104. Robert W. Benson & Joan B. Kessler, *Legalese v. Plain English: An Empirical Study of Persuasion and Credibility in Appellate Brief Writing*, 20 Loy. L.A. L. Rev. 301, 301 (1987).
105. *Id.* at 301-02.
106. Steve Harrington & Joseph Kimble, *Survey: Plain English Wins Every Which Way*, 66 Mich. B.J. 1024 (1987). The survey form was reported a little incorrectly in this article. For the correct version, see Joseph Kimble & Joseph A. Prokop, Jr., *Strike Three for Legalese*, 69 Mich. B.J. 418, 419 (1990).
107. Barbara Child, *Language Preferences of Judges and Lawyers: A Florida Survey*, 64 Fla. B.J. 32 (1990).
108. Joseph A. Prokop, Jr., *Simply Tell It to the Judge*, 38 La. B.J. 333 (1991) (survey of judges only).
109. Kevin Dubose, *The Court Has Ruled*, *The Second Draft* (Legal Writing Institute), Oct. 1991, at 8 (survey of judges only).
110. Kimble & Prokop, *supra* note 106, at 418.
111. Dubose, *supra* note 109, at 9.
112. *Id.*
113. *Id.*
114. Robert D. Eagleson, *Writing in Plain English* 4 (1990).
115. Richard A. Lanham, *Revising Prose* 66 (2d ed. 1987).
116. Office of Consumer Affairs, U.S. Dep't of Commerce, *How Plain English Works for Business* v (1984).
117. *Plain Language Pays*, *Simply Stated* (Document Design Center), Feb. 1986, at 1, 4.
118. *Id.* at 4.
119. *Gas Utilities Switch to Plain Language*, *Simply Stated... in Business* (Document Design Center), Mar. 1986, at 2, 2.
120. *Plain English Pays*, *Simply Stated* (Document Design Center), Mar. 1989, at 1, 1.
121. *Plain Language Pays*, *supra* note 117, at 4.
122. *Id.* at 1, 4.
123. Eagleson, *supra* note 114, at 6.
124. *Id.*
125. Eagleson, *supra* note 89, at 12.
126. Eagleson, *supra* note 114, at 6.
127. See, e.g., Benson, *supra* note 91, at 520-22, 527-29.
128. Quoted in Stephanie J. Johnston, *Dallas Lawyer Leads the Fight for Plain Language in the Law*, *Bar Leader*, July-Aug. 1991, at 24, 27.
129. Eagleson, *supra* note 89, at 13.
130. Roger J. Miner, *Confronting the Communication Crisis in the Legal Profession*, 34 N.Y.L. Sch. L. Rev. 1, 1 (1989).
131. Richard D. Lee, Presentation at the Annual Meeting of the Association of American Law Schools, Mini-Workshop on Legal Writing Throughout the Law School Curriculum (Jan. 3, 1991) (audiotape available from Recorded Resources Corp., Millersville, Md.).
132. Section of Legal Education and Admissions to the Bar, American Bar Association, *Report and Recommendations of the Task Force on Lawyer Competency: The Role of the Law Schools* 15 (1979).
133. Council of the Section of Legal Education and Admissions to the Bar, American Bar Association, *Long-Range Planning for Legal Education in the United States* 29 (1987).
134. Task Force on Law Schools and the Profession: *Narrowing the Gap*, American Bar Association, *Statement of Fundamental Lawyering Skills and Professional Values* 18-30, 41-44 (Tent. Draft 1991).
135. See Mark Mathewson, *Verbatim*, *Student Law*, Mar. 1988, at 9 (describing some activities of the Plain English Committee of the State Bar of Michigan).
136. See Barbara Child, *Drafting Legal Documents* 88-89 (1988); Joseph Kimble, *Plain English: A Charter for Clear Writing*, 9 *Cooley L. Rev.* 1, 31-58 (1992).